MONTANA LEGISLATIVE HISTORY

Chapter 221 19 67

Bill H 240 S _____ Original bill & history ____C

H. Committee on Judiciary			S. Committee on Local Govt		
Hearing Date(s) Jan 25	✓	C	Hearing Date(s) Feb 13	✓	C
_____	____	C	_____	____	C
_____	____	C	_____	____	C
_____	____	C	_____	____	C
Date Out _____	____	C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

HOUSE JUDICIARY COMMITTEE

January 25, 1967

The House Judiciary Committee met upon adjournment January 25 in the committee room. Chairman Mather presided. All members were present except Mr. Sullivan, who was excused.

HB 337, relating to fees and mileage for interpreters, was discussed. Rep. Gilligan, chief sponsor, spoke on behalf of the bill.

Mr. Stratton, chief sponsor of 398, spoke on its behalf. It is a bill which authorizes the reproduction of records under certain conditions.

Rep. Ulmer, chief sponsor of HB 291, appeared on its behalf. This bill provides for a diagnostic center for juvenile delinquents. Another proponent appearing was:

Floyd Green, Director, Department of Institutions.

HB 292, Interstate Compact on Juveniles, was considered, and appearing as proponents were:

James Lucas, chief sponsor
John Thomas, Director, Department of Institutions After-Care Services.

HB 240, to increase salaries of court reporters, was presented, and speaking on its behalf were:

Rep. Hall, chief sponsor
John Risken, Attorney for Court Reporters Association
Joe S. Smith, President of Montana Court Reporters Association, Billings, Montana
Philip R. Fordahl, for Montana Court Reporters Association

HB 275, creating the position of criminal investigator, had the following proponents testifying:

Al Coate, First Assistant Attorney General
Robert Remington, Sheriff from Liberty County
Dave Middlemas, Sheriff from Lewis & Clark County
John Krsul, Sheriff from Cascade County
George Paradis, Sheriff from Jefferson County
Everett Burt, Sheriff's Department, Powell County
Malcolm Henry, Sheriff of Broadwater County
Ed Shubat, County Commissioner from Cascade County
Martin Mangas, Criminal Investigator.

Rep. Hall moved that HB 414 DO NOT PASS. Motion carried unanimously.

HB 373 was discussed by Rep. Harrison, chief sponsor.

Mr. Murphy moved that HB 337 DO NOT PASS. Mr. Stimatz moved by substitute motion that it DO PASS. The motion carried.

Mr. Harrison moved that HB 398 be amended by deleting the reference to an effective date, being all of Section 3. The motion carried. Mr. Harrison moved that HB 398 DO PASS AS AMENDED. The motion carried unanimously.

Mr. Murphy moved that HB 291 do pass. Mr. Hall made a substitute motion that HB 291 be amended at line 8, page 2, by striking the word "be" and inserting in lieu thereof the word "by", and that HB 291, as amended, DO PASS. The motions carried unanimously.

Mr. Hall moved that HB 292 Do Pass. Mr. Murphy made a substitute motion that the title of said bill be amended at line 12, page 1, by deleting the period and quotation mark and inserting in lieu thereof "; PROVIDING AN EFFECTIVE DATE." and that, AS AMENDED, HB 292 DO PASS. The motions carried.

HB 240 - Mr. Boughton made a motion that HB 240 DO NOT PASS. After a roll call vote the motion carried 9-6.

Mr. Bailey moved that HB 275 Do Pass. Mr. Stratton made a substitute motion that HB 275 be amended to move the headquarters to Great Falls. Rep. Harrison made a substitute motion that Section 1 of HB 275 be amended on line 11, page 1, of the original bill by deleting the words "the person appointed to fill this position shall be located at Deer Lodge, Montana." The motion carried. Rep. Jensen moved that HB 275, AS AMENDED, DO PASS. The motion carried, with Boughton and Stratton on record as voting against the motion.

Rep. Goan made a motion that HB 373 Do Not Pass. The motion did not carry, with only Rep. Goan voting for the motion. HB 373 was passed for the day.

There being no further business, the meeting was adjourned.

W. S. MATHER, CHAIRMAN

The Committee on Local Government came to order after with all members present. There were several guests from Shelby introduced.

SENATE RESOLUTION # 14 - Senator Judge and Senator Schotte were the authors of this resolution. It asked the legislative council to conduct a study of the problems involved in the lack of county power to enforce local police, sanitary, zoning, countywide planning, and other regulations. Senator Judge made this statement and then introduced Mr. Glen Drake, attorney with the city county planning board. This man felt it was necessary because at present there was no protection to property owners outside of the four-mile limit. Mr. Robert E. Matson, also appeared for it. If it were passed, it could be given to the legislative council and perhaps get legislative power Klinger and Senator Schotte also appeared for this resolution. Action on this resolution. It was moved by Senator Sample and seconded by Senator Bertsche that it be adopted.

HOUSE BILL # 70 - Harrison and Delano - Allowing county clerks of district court transportation and per diem to annual conventions. He felt it should be supported because it wasn't right for them to have to spend own money to attend. County treasurers don't have an expense allowance because they have no state organization. These conventions only last two to three days and it would cost $10 to $20 per day. Action on Bill - Deschamps moved and Sample seconded to not concur this bill in, later on the motion was withdrawn until it could be checked out.

HOUSE BILL # 370 - East et al - providing per diem payments in lieu of mileage for county commissioners. Mr. East appeared for his bill. He felt it would be better for some who lived further from the county seat to have per diem in lieu of mileage if they wished to take it. There were several motions made by the senators. It was moved and seconded by Klindt and Vainio for it to be not concurred in. That was withdrawn. Then it was moved, seconded by Bertsche and Rasmussen, it be amended and that was withdrawn by a motion made and seconded by James and Rasmussen. That final, after some discussion was to concur it in. Senator Bertsche made the motion and Senator Edwards seconded it. This passed.

HOUSE BILL # 240 - Hall et al - This was an act to amend a section to increase the annual salaries of court reporters from $7800 to $10000. They are highly specialized people and need to be better salaried. They do make some outside income for transcriptions. Mr. Hall said there was a fiscal of the the bill to cut the amount over the previous salary by one-half. There was no action on this bill at this time.

HOUSE BILL # 141 - Whitney - Bailey - This was to give county commissioners authority to levy an annual tax of twenty mills to defray current county expenses. Author Bailey appeared for this bill and felt that this should be put at 20 levies on a permissive basis. There was no action on this bill.

HOUSE BILL # Glennon et al - Increasing salaries of mayors and aldermen. Mr. Glennon appeared for his bill. This bill increases the maximum alloted in all three classes of cities. The department heads over a period of time have increases and some of them are now getting more than the mayor or aldermen are getting. Mr. Klinger of the Municipal League favors this bill. No action taken at this time.

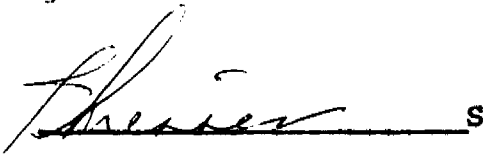
Meeting was adjourned.

Thiessen SENATOR THIESSEN

H.B. # 58 presented before. Action be concurred in.

H.B.# 240 Action presented before be not concurred in.

The meeting was adjourned.



Senator Thiessen, Chairman

connection with a punch apparatus for the piercing of ballots by the voter or any approved device for marking a paper ballot with ink or other substance which will enable the ballot to be tabulated by means of automatic tabulating equipment."

Amending clause.

Section 2. Section 23-2506, R.C.M. 1947, is amended to read as follows:

Rules and regulations—specifications for devices and equipment.

"23-2506. **Rules and regulations—specifications for devices and equipment.**

(a) The secretary of state may promulgate rules for the administration of this section, and shall approve the marking devices and automatic tabulating equipment used in electronic voting systems, *provided, however, that the governing body of any county, city or town is authorized to adopt, experiment with or abandon any electronic voting system which has been used for at least two (2) successive elections in a state other than Montana without the approval of the secretary of state if the governing body of the county, city or town finds that the marking devices and automatic tabulating equipment proposed to be used fulfill the requirements of subsection (b).*

Specific requirements of equipment.

(b) No marking device or automatic tabulating equipment shall be approved unless it fulfills the following requirements:

(1) It shall permit and require voting in absolute secrecy.

(2) It shall permit each elector to vote at any election for all persons and offices for whom and for which he is lawfully entitled to vote, and no others; to vote for as many persons for an office as he is entitled to vote for; to vote for or against any question upon which he is entitled to vote; and to vote, where applicable, for all candidates of one *(1)* party or to vote a split ticket as he desires.

(3) It shall permit each elector, at presidential elections, by one *(1)* punch or mark to vote for the candidates of that party for presidential elector as a group.

(4) It shall comply with all other requirements of the election laws so far as they are applicable."

Approved: March 1, 1967.

CHAPTER 221

An Act Amending Section 93-1906, R.C.M. 1947, Increasing the Annual Salaries of Court Reporters From Seven Thousand Eight Hundred Dollars ($7,800) to Eight Thousand Eight Hundred Dollars ($8,800).

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 93-1906, R.C.M. 1947, is amended to read as follows: Amending clause.

Salary and expenses of reporter—apportionment.

"93-1906. **Salary and expenses of reporter—apportionment.** Every reporter appointed under the provisions of this chapter receives an annual salary of *eight thousand eight hundred dollars ($8,800)* and no other compensation except as provided in section 93-1904, provided, however, that all transcripts and bills of exceptions required by the county shall be furnished without cost, payable in monthly installments out of the general funds of the counties comprising the district for which he is appointed, according and in proportion to the number of civil and criminal actions entered and commenced in the district courts of such counties respectively in the preceding year; and it shall be the duty of the judge of such district, on the first day of January of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county in his district on the basis aforesaid. The reporter is allowed, in addition to the salary and fees above provided, in judicial districts comprising more than one (1) county, his actual and necessary expenses of transportation and living when he goes on official business to a county of his judicial district other than the county in which he resides, from the time he leaves his place of residence until he returns thereto, said expenses to be apportioned and payable in the same way as the salary."

Approved: March 1, 1967.

CHAPTER 222

An Act Amending Section 68-701, R.C.M. 1947, to Permit Payment of Accumulated Contributions From the Publice Employees' Retirement Fund to Members Terminating State Service After Ten (10) Years of Service, and to Renumber Certain Subdivisions Thereof as